

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

JOSEPH LOUIS DEMORUELLE,)	CIVIL NO. 15-00246 LEK-KSC
)	
Plaintiff,)	AMENDED FINDINGS AND
)	RECOMMENDATION TO DENY
vs.)	PLAINTIFF'S 1) MOTION FOR
)	INTERIM PAYMENT OF COSTS
DEPARTMENT OF VETERAN)	AND 2) INTERIM BILL OF
AFFAIRS,)	COSTS
)	
Defendant.)	
_____)	

AMENDED¹ FINDINGS AND RECOMMENDATION TO DENY
PLAINTIFF'S 1) MOTION FOR INTERIM PAYMENT
OF COSTS AND 2) INTERIM BILL OF COSTS

Before the Court are Plaintiff Joseph Demoruelle's 1) Motion for Interim Payment of Costs and 2) Interim Bill of Costs, both filed on January 25, 2016.² The Court finds these matters suitable for disposition without a hearing pursuant to Rule 7.2(d) of the Local Rules of Practice for the U.S. District

¹ The Findings and Recommendation has not been amended in substance. The amendment is to correct an error in the caption.

² Plaintiff is cautioned that he must comply with the Local Rules. Copies of documents provided to the Court should be printed single-sided. The Court recognizes that Plaintiff is proceeding pro se, but that does not excuse his compliance with all rules and statutes. Local Rule 83.13.


Court for the District of Hawaii ("Local Rules").

Plaintiff requests an order directing the payment of interim fees up until January 19, 2016, pursuant to 5 U.S.C. § 522a(g)(3)(B). Section 522a(g)(3)(B) provides: "The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed." 5 U.S.C. § 522a(g)(3)(B) (emphasis added). Plaintiff believes that he has substantially prevailed in this action. Insofar as Plaintiff's claims have yet to be adjudicated on their merits, the request for costs is premature. Accordingly, the Court RECOMMENDS that the Motion and the Bill of Costs be DENIED.

IT IS SO FOUND AND RECOMMENDED.

DATED: Honolulu, Hawaii, January 29, 2016.




Kevin S.C. Chang
United States Magistrate Judge

CIVIL NO. 15-00246 LEK-KSC; DEMORUELLE V. UNITED STATES OF AMERICA; AMENDED FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF'S 1) MOTION FOR INTERIM PAYMENT OF COSTS AND 2) INTERIM BILL OF COSTS